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SENATE BILL 652

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

William H. Payne

AN ACT

RELATING TO ELECTIONS; PROVIDING FOR A PRIVATE CAUSE OF ACTION FOR CIVIL ENFORCEMENT OF CERTAIN VIOLATIONS OF THE CAMPAIGN REPORTING ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 1-19-34.6 NMSA 1978 (being Laws 1995, Chapter 153, Section 19) is amended to read:

"1-19-34.6. CIVIL PENALTIES.--

A. If the secretary of state reasonably believes that a person committed, or is about to commit, a violation of the Campaign Reporting Act, the secretary of state shall refer the matter to the attorney general or a district attorney for enforcement.

B. The attorney general or district attorney may institute a civil action in district court for any violation of

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1 the Campaign Reporting Act or to prevent a violation of that
2 act that involves an unlawful solicitation or the making or
3 acceptance of an unlawful contribution. An action for relief
4 may include a permanent or temporary injunction, a restraining
5 order or any other appropriate order, including a civil penalty
6 of two hundred fifty dollars (\$250) for each violation not to
7 exceed five thousand dollars (\$5,000), and forfeiture of any
8 contribution received as a result of an unlawful solicitation
9 or unlawful contribution. Each unlawful solicitation and each
10 unlawful contribution made or accepted shall be deemed a
11 separate violation of the Campaign Reporting Act.

12 C. The attorney general or a candidate, campaign
13 committee, political committee or district attorney may
14 institute a civil action in district court if a violation has
15 occurred or to prevent a violation of any provision of the
16 Campaign Reporting Act other than that specified in Subsection
17 B of this section. Relief may include a permanent or temporary
18 injunction, a restraining order or any other appropriate order,
19 including an order for a civil penalty of fifty dollars
20 (\$50.00) for each violation not to exceed five thousand dollars
21 (\$5,000)."